

Tuesday, August 11, 2015

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.

Consent Agenda – Review and Approval:

1-20. This is the time set for consideration of the Consent Agenda.

Chairperson Arnold: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 20 on the following vote is indicated for each item.

Motion by: Lynn Compton
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve Amendment No. 2 to the Agreement for Services with Mental Marketing Inc. and TJA Advertising in the total amount of \$679,000 to provide marketing services on behalf of the San Luis Obispo County Tourism Business Improvement District (CBID) for FY 2015-16. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

Dr. C. Hite; Mr. Eric Greening; and Ms. Linde Owen: speak.

The Board approves as recommended by the County Administrative Officer.

3. Consideration of a letter in opposition to Senate Constitutional Amendment (SCA) 5-Split Roll Property Tax. All Districts.

Mr. Gary Kirkland and Ms. Andrea Seastrand: speak.

The Board approves as recommended by the County Administrative Officer.

4. Request to appoint Jim Hamilton and James Davison as the County's at-large and lodging business representatives, respectively, to the San Luis Obispo County Tourism Marketing District (TMD). All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

5. Submittal of a resolution recognizing Corinne Martinez upon her retirement for over 25 years of service to the residents of the County of San Luis Obispo. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-191, adopted.

Consent Agenda - Board of Supervisors Items:

6. Submittal of resolutions honoring the 2015 CattleWoman of the Year, the 2015 Cattleman of the Year, and the 2015 Agriculturist of the Year in San Luis Obispo County. All Districts.

This item is amended, per the addendum to the agenda, by replacing (in PDF/A format) the Cattleman resolution. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NOS. 2015-192, 2015-193, and 2015-194, adopted as amended.

7. Submittal of resolutions honoring the 2015 Wine Industry Winemaker, Wine Grape Grower and Wine Industry Persons of the Year. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2015-195, 2015-196, and 2015-197, adopted.

Consent Agenda - Health Agency Items:

8. Request to approve FY 2015-16 renewal contracts, with the option to renew for two additional years, with Medical Doctor Associates, LLC, Jackson & Coker Locum Tenens, LLC, DrWanted.com LLC, California Locums, P.C., and Daniel and Yeager, Inc. in the cumulative amount not to exceed \$1,014,000 to provide locum tenens (temporary) licensed psychiatrist services. All Districts.

The Board approves as recommended by the County Administrative Officer.

9. Request to approve: 1) a FY 2015-16 renewal contract with the option to renew for two additional years with Wilshire Community Services in an amount not to exceed \$528,889 to provide mental health services, and 2) a resolution amending the Position Allocation List to delete 1.0 FTE vacant Mental Health Therapist IV from Fund Center 166 – Behavioral Health. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-198, adopted.

10. Request to approve: 1) a FY 2015-16 renewal contract with the option to renew for two additional years with Transitions Mental Health Association in an amount not to exceed \$4,609,236 to provide mental health services, and 2) a resolution amending the Position Allocation List to delete 2.0 FTE vacant Mental Health Therapist IV's from Fund Center 166 – Behavioral Health. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-199, adopted.

11. Request to approve a three year renewal contract FY 2015-16 through FY 2017-18 with Redwood Toxicology Laboratory in the cumulative amount not to exceed \$279,000 to provide diagnostic drug testing and reporting services. All Districts.

The Board approves as recommended by the County Administrative Officer.

12. Request to approve a FY 2015-16 renewal contract, with the option to renew for two additional years, with Family Care Network, Inc. in an amount not to exceed \$4,997,580 to provide mental health services for at-risk youth throughout the county. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

13. Request to approve a four-year renewal agreement (Clerk's File) with the California Department of Public Health to implement the Women, Infants and Children (WIC) Supplemental Nutritional Program for FFY 2015-16 through FFY 2018-19 in a total amount not to exceed \$5,106,767. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

14. Request to approve a three-year contract with Software Solutions Team in the amount of \$60,000 for each year for software training. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

15. Submittal of a resolution amending the Position Allocation List for Fund Center 142 - Planning and Building to delete 2.0 FTE vacant Limited Term Planner positions and add 1.0 FTE Limited Term Supervising Planner and 1.0 FTE Limited Term Senior Planner position. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-200, adopted.

Consent Agenda - Public Works Items:

16. Submittal of bid opening report for River Road Widening Project in San Miguel, to award the subject contract to CalPortland Construction, the lowest responsible bidder, in the amount of \$639,518. District 1.

The Board approves as recommended by the County Administrative Officer.

17. Submittal of bid opening report for the San Miguel Gateway and Pedestrian Enhancements, San Miguel, to award the subject contract to Souza Construction, Inc., the lowest responsible bidder, in the amount of \$385,650; and authorize a budget adjustment in the amount of \$240,781 to increase the funding appropriation for the project. District 1.

Mr. Michael Britton – Department of Public Works: replaces Exhibit A.

This item is amended by replacing Exhibit A. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

18. Request to: 1) ratify approval of Contract Change Order Nos. 1-7 to the agreement with John Madonna Construction Co., in the amount of \$105,535 for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project; 2) approve Contract Change Order No. 8 in the amount of \$52,000; 3) approve additional construction contingency in the amount of \$100,000; and 4) adopt the attached resolution approving the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project Construction Change Order Policy. District 4.

Mr. Gary Kirkland and Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speak.

Mr. Dave Flynn – Department of Public Works: responds to Board Member questions.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-201, adopted.

19. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the 2014-15 Chip Seal, Various Roads, San Luis Obispo County. Districts 1, 3 & 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-202, adopted.

Consent Agenda - Social Services Items:

20. Request to approve a FY 2015-16 renewal service contract (Clerk's File) for Services Affirming Family Empowerment (SAFE) Family Advocates with Central Coast LINK (The LINK) in the amount of \$76,695. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

21. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Dr. C. Hite: encourages the Chairperson to look into a county administrative complaint process.

Mr. Ben DiFatta: speaks to the Los Osos Wastewater project.

Mr. Aaron Ochs: addresses civility and the public response relating to his Cal Coast New commentary.

Ms. Julie Tacker: comments on South County Sanitation District water recycling data contained in the Federal Agenda.

Mr. Charles Valhi: discusses concerns regarding the Phillips 66 Train Terminal Project and the lack of notification to residents that they are in a blast evacuation zone.

Mr. Eric Greening: suggests an Emergency Services presentation prior to the Phillips 66 hearing; and speaks to the Nuclear Regulatory Commission's scoping process for the re-licensing of the Diablo Canyon Power Plant.

Ms. Martha Brand: requests an update on Avila Beach Area Plan.

Ms. Linde Owen: discusses installation of personal water storage tanks in Los Osos.

Mr. Richard Margetson: reads from an article by Tom Fulks regarding public comment speakers.

Ms. Cindy Steinbeck: highlights her letter to the California Water Commission regarding Proposition 1 Bond Funds for underground water storage (documents).

Ms. Elsa Dawson: recognizes Supervisors Compton and Mecham for their attention to details regarding transportation and water issues at recent meetings; and thanks the Board for the letter in support of Proposition 13.

Mr. Greg Grewal: addresses conflicts of interest concerns regarding Paso Robles Groundwater Basin Advisory Committee members.

Mr. John Snyder: discusses the correlative right of water use and allocations. **No action taken.**

Hearings

22. Hearing to consider a resolution authorizing the levy and collection of annual assessments for Tract 1747 Streetlight Assessment District (Nipomo) for FY 2015-16. Hearing continued from July 21, 2015. District 4.

Chairperson Arnold: opens the floor to public comment without response.

The Board: 1) conducts the public hearing and amends Engineer’s Annual Levy Report; 2) **RESOLUTION NO. 2015-203**, a resolution ordering the levy and collection of assessments for Tract 1747 Streetlight Assessment District for Fiscal Year 2015-2016, adopted; and 3) directs the Clerk to file the approved resolution and exhibit with the County Auditor/Controller/Treasurer/Tax Collector (ACTT) immediately.

Motion by: Lynn Compton
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

23.
- Consideration of a request by Black Lake Golf Resort, LLC to process a Specific Plan, General Plan and Land Use Ordinance Amendment (LRP2014-00016) to amend provisions of the Black Lake Specific Plan. The site is within the Black Lake Village Reserve Line in the South County Inland subarea of the South County Planning Area. District 4. This item was continued from March 24 and June 2, 2015 and staff is recommending to continue this item to the October 20, 2015 Board Meeting.

Chairperson Arnold: opens the floor to public comment.

Mr. Noel Heal; Ms. Nancy Damron; Mr. Don Wells; Mr. Kit Carter; and Ms. Jamie Kirk – Representing the Applicant: speak.

The Board continues this item to the Tuesday, January 12, 2016.

Motion by: Lynn Compton
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

24.
- Request to proceed with the construction of a new terminal building at the San Luis Obispo County Regional Airport by accepting an initial grant award from the Federal Aviation Administration (FAA) in the amount of \$15,619,998; awarding a construction contract to Q&D Construction, Inc. as general contractor in the amount of \$27,500,000; approving a contract with Arcadis U.S., Inc. (Clerk’s File) in the amount of \$1,042,400 to provide construction management services; approve a corresponding budget adjustment to establish the project totaling \$35,422,008; authorize financing for the project totaling \$6 million; and provide direction to staff regarding how the Airport should repay the loan to finance the estimated \$3.4 million local share of the project not funded by the FAA or other funding sources. All Districts.

Mr. Kevin Bumen – Airport Director: amends Recommendation No. 1 in the staff report to read: “1. Approve and direct the Chair to sign an FAA Grant Award in an amount up to and including \$24,190,687.”

Mr. Duane Boreham – Q&D Construction Vice President (pamphlet): speaks.

Chairperson Arnold: opens the floor to public comment.

Mr. Mike Manchak – Economic Vitality Corporation (EVC); Ms. Klaasje Nairne Winegarden; Ms. Charlene Rosales – San Luis Obispo Chamber of Commerce, Government Affairs Director; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Mike Cannon; Mr. Chuck Davison – Visit San Luis Obispo County; Mr. Ty Safreno; and Ms. Andrea Seastrand: speak.

On motion by Supervisor Adam Hill, seconded by Supervisor Lynn Compton, to approve Staff Recommendations, is discussed.

Mr. Dan Buckshi - County Administrative Officer: addresses the amendment to Recommendation No. 1; clarifies Recommendation No. 9 was a request for staff direction and states the direction, as he understands it, to direct staff to continue to provide quarterly financial reports to the Board and evaluate the Airport's finances on an on-going basis, with the motion maker amending the motion to include the amendment to Recommendation No. 1 as stated by Mr. Bumen and the direction to Recommendation No. 9 as stated by Mr. Buckshi for, with the second concurring.

The Board: 1) approves and directs the Chair to sign an FAA Grant Award in an amount up to and including \$24,190,687; 2) creates the project “330023-Airport-SLO-Construction Passenger Terminal” and authorizes a budget adjustment totaling \$35,422,008 to the Airport Fund; 3) accepts the results of the April 20, 2015 bid opening for the New Passenger Terminal project, and awards a construction contract to Q&D Construction Inc., as general contractor, in the amount of \$27,500,000 and directs the Chair to sign the contract upon receipt of all insurance and bond documents; 4) approves and directs the Chair to sign a Construction Management Services contract with Arcadis U.S. Inc. in the amount of \$1,042,400; 5) RESOLUTION NO. 2015-204, a resolution approving the Airport – SLO – Construct Passenger Terminal Project Construction Change Order Policy, adopted; 6) RESOLUTION NO. 2015-205, a resolution of the Supervisors of the County of San Luis Obispo authorizing the submission of the application to the California infrastructure and Economic Development Bank for financing of the construction of a new airport terminal at the San Luis Obispo County Regional Airport, declaration of official intent to reimburse certain expenditures from proceeds of obligation, and approving certain other matters in connection therewith, adopted; 7) approves the creation of an Airport Terminal designation in the amount of \$11,687,490 in the Tax Reduction Reserve Fund using the Tax Reduction Reserve Designation as the funding source and authorize the Auditor-Controller-Treasurer-Tax Collector to reduce the designation by the amount of any additional project funding that becomes available in the future; 8) authorizes the Auditor-Controller-Treasurer-Tax Collector to support cash flow requirements for the project; and 9) directs staff to continue to provide quarterly financial reports to the Board and evaluate the Airport's finances on an on-going basis regarding repayment of the loan to finance the estimated \$3.4 million local share of the project not funded by the FAA or other funding sources.

Motion by: Adam Hill
Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Closed Session Items:

25. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) ARB, Inc. v. County of San Luis Obispo; (4) County of San Luis Obispo v. San Luis Obispo Government Attorneys’ Union; (5) County of San Luis Obispo v. San Luis Obispo Deputy County Counsel Association; (6) County of San Luis Obispo County

Deputy County Counsel’s Association, et al. v. County of San Luis Obispo, et al.; (7) Los Osos Community Services District v. Golden State Water Company, et al.; (8) Wilton Webster and Helen Webster v. County of San Luis Obispo; (9) Save Adelaida, Wilton Webster and Helen Webster v. County of San Luis Obispo, et al.; (10) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.; (11) AT&T Corp. v. ARB, Inc., et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (12) San Luis Obispo Government Attorney’s Union (SLOGAU); (13) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (14) Deputy County Counsel’s Association (DCCA); (15) Sheriffs’ Management; (16) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (17) Deputy Sheriff’s Association (DSA); (18) District Attorney Investigators’ Association (DAIA); (19) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (20) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (21) Unrepresented Management and Confidential Employees; and (22) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

Chairperson Arnold: opens the floor to public comment without response.

Ms. Rita Neal – County Counsel: cancels Closed Session.

Presentation:

26. Submittal of a resolution commending Elwood "Hud" Banks for a lifesaving rescue. District 1.

Cal Fire Chief Rob Lewin; Ms. Muffy Banks; Mr. Elwood “Hud” Banks; and Ms. Cathryn Reed: speak.

Chairperson Arnold: opens the floor to public comment.

Mr. Kevin Drabinski - Senior Field Representative for Assemblyman Katcho Achadjian and Mr. Kevin Bommarito – Representative for California State Senator Bill Monning: present certificates of recognition to Mr. Banks.

RESOLUTION NO. 2015-206, a resolution commending Elwood “Hud” Banks for actions taken as a youth by saving the life of an infant in Paso Robles, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, August 11, 2015, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: August 12, 2015